

Regular Session, 2009

HOUSE BILL NO. 649

BY REPRESENTATIVES MONToucET, BOBBY BADON, BARRAS, DOERGE,
GALLOT, GISCLAIR, LAFONTA, MILLS, RICHARD, AND THIBAUT AND
SENATORS DUPRE, B. GAUTREAUX, GUILLORY, HEBERT, AND MURRAY

RETIREMENT/STATE EMPS: Authorizes a fee to be collected by DPS&C and creates the
Adult Probation and Parole Officer Retirement Fund into which such fees shall be
deposited

1 AN ACT

2 To enact R.S. 11:546 and R.S. 15:574.4.2, relative to the Louisiana State Employees'
3 Retirement System; to provide for a probation and parole processing fee; to create
4 a fund for the deposit of funds generated by such fees; to provide for an effective
5 date; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article X, Section 29(C) of the Constitution
8 of Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 11:546 is hereby enacted to read as follows:

11 §546. Adult Probation and Parole Officer Retirement Fund

12 A. There is hereby established in the state treasury a special fund to be
13 known as the Adult Probation and Parole Officer Retirement Fund, hereafter in this
14 Section, the "fund".

15 B. Beginning with the 2009-2010 Fiscal Year and for each fiscal year
16 thereafter, and after allocation of money to the Bond Security and Redemption Fund
17 as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the
18 treasurer shall deposit in and credit to the fund on a monthly basis an amount equal

1 to the sum collected for the processing fee charged pursuant to R.S. 15:574.4.2 less
2 any decrease from other parole and probation fees collected in Fiscal Year 2008-
3 2009 and the amount of such fees collected in the current fiscal year, if there is any
4 decrease in the collection of such fees.

5 C. Monies in the fund shall be invested in the same manner as the state
6 general fund monies. Interest earned on the investment of monies in the fund, after
7 being credited to the Bond Security and Redemption Fund pursuant to Article VII,
8 Section 9(B) of the Constitution of Louisiana, shall be credited to the fund. All
9 unexpended and unencumbered monies and earnings remaining in the fund at the end
10 of the fiscal year shall remain in the fund, until the legislature provides for enhanced
11 benefits for probation and parole officers in the office of adult services of the
12 Department of Public Safety and Corrections who have service credit in the primary
13 component of the system. If the legislature does not provide for such benefit
14 enhancements by June 30, 2015, all monies in the fund shall be available to the
15 Department of Public Safety and Corrections to help defray the costs of supervision
16 of persons on probation or parole.

17 Section 2. R.S. 15:574.4.2 is hereby enacted to read as follows:

18 §574.4.2. Probation and parole processing fee

19 A. A one-time fee of sixty-five dollars shall be assessed for each new case
20 file opened after June 30, 2009, by a probation and parole officer of the office of
21 adult services in the Department of Public Safety and Corrections. Such fee shall be
22 collected at the offender's first meeting with any such officer after June 30, 2009, or,
23 if provided for by rule promulgated by the department, over a time period not to
24 exceed twelve months after the first meeting.

25 B. All fees collected pursuant to this Section shall be remitted to the
26 treasurer's office on a monthly basis.

27 Section 3. This Act shall become effective on July 1, 2009; if vetoed by the governor
28 and subsequently approved by the legislature, this Act shall become effective on July 1,
29 2009, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Montoucet

HB No. 649

Abstract: Relative to the La. State Employees' Retirement System (LASERS), creates the Adult Probation and Parole Officer Retirement Fund (fund) and provides for a one-time probation and parole processing fee to be deposited in such fund, which monies shall remain in such fund until such time as the legislature provides benefit enhancements for certain probation and parole officers.

Probation and Parole Processing Fee

Proposed law provides for a one-time probation and parole processing fee of \$65 assessed for each new adult probation and parole case file opened after June 30, 2009. Provides that such fee shall be collected at the offender's first meeting with any such officer after June 30, 2009, or, if provided for by rule promulgated by DPS&C, over a time period not to exceed 12 months.

Adult Probation and Parole Officer Retirement Fund

Proposed law creates the "Adult Probation and Parole Officer Retirement Fund" (fund) in the state treasury. Provides that beginning with FY 2009-2010, the treasurer shall deposit in and credit to the fund on a monthly basis an amount equal to the sum collected for the processing fee charged pursuant to proposed law less any decrease from other parole and probation fees collected in FY 2008-2009 and the amount of fees collected in the current fiscal year, if there is a decrease in the collection of such fees.

Proposed law provides that monies in the fund shall remain in the fund until the legislature provides for enhanced retirement benefits for probation and parole officers in the office of adult services of DPS&C who have service credit in the primary component of the system. If the legislature fails to provide for such enhancements by June 30, 2015, the monies in the fund become available to DPS&C to defray costs of probation and parole supervision.

Effective July 1, 2009.

(Adds R.S. 11:546 and R.S. 15:574.4.2)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill.

1. Changes the amount deposited into the fund to equal the sum collected for the processing fee charged less any decrease from other parole and probation fees collected in FY 2008-2009 and the amount of fees collected in the current fiscal year, if there is a decrease in the collection of such fees.

House Floor Amendments to the engrossed bill.

1. Deletes assessment of the one-time fee of \$65 for each new case file existing on June 30, 2009, and instead, assesses the fee on each new case file opened after June 30, 2009.